

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 788**  
96TH GENERAL ASSEMBLY

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Reported from the Committee on Financial and Governmental Organizations and Elections, March 8, 2012, with recommendation that the Senate Committee Substitute do pass.

5390S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal section 483.015, RSMo, and to enact in lieu thereof one new section relating to the appointment of circuit clerks.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 483.015, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 483.015, to read as follows:

483.015. 1. At the general election in the year 1982, and every four years  
2 thereafter, except as herein provided and except as otherwise provided by law,  
3 circuit clerks shall be elected by the qualified voters of each county [and of the  
4 city of St. Louis], who shall be commissioned by the governor, and shall enter  
5 upon the discharge of their duties on the first day in January next ensuing their  
6 election, and shall hold their offices for the term of four years, and until their  
7 successors shall be duly elected and qualified, unless sooner removed from office.

8 2. The court administrator for Jackson County provided by the charter of  
9 Jackson County shall be selected as provided in the county charter and shall  
10 exercise all of the powers and duties of the circuit clerk of Jackson County. The  
11 director of judicial administration and the circuit clerk of St. Louis County shall  
12 be selected as provided in the charter of St. Louis County.

13 3. When provision is made in a county charter for the appointment of a  
14 court administrator to perform the duties of a circuit clerk or for the appointment  
15 of a circuit clerk, such provisions shall prevail over the provisions of this chapter  
16 providing for a circuit clerk to be elected. The persons appointed to fill any such  
17 appointive positions shall be paid by the counties as provided by the county  
18 charter or ordinance; provided, however, that if provision is now or hereafter

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 made by law for the salaries of circuit clerks to be paid by the state, the state  
20 shall pay over to the county a sum which is equivalent to the salary that would  
21 be payable by law by the state to an elected circuit clerk in such county if such  
22 charter provision was not in effect. The sum shall be paid in semimonthly or  
23 monthly installments, as designated by the commissioner of administration.

24 4. The circuit clerk in the sixth judicial circuit and in the seventh judicial  
25 circuit shall be appointed by a majority of the circuit judges and associate circuit  
26 judges of the circuit court, en banc. The circuit clerk in those circuits shall be  
27 removable for cause by a majority of the circuit judges and associate circuit  
28 judges of such circuit, en banc, in accordance with supreme court administrative  
29 rules governing court personnel. This subsection shall become effective on  
30 January 1, 2004, and the elected circuit clerks in those circuits in office at that  
31 time shall continue to hold such office for the remainder of their elected terms as  
32 if they had been appointed pursuant to the terms of this subsection.

33 5. **The circuit clerk in the twenty-second judicial circuit shall be**  
34 **appointed by a majority of the circuit judges and associate circuit**  
35 **judges of the circuit court, en banc. The circuit clerk in such circuit**  
36 **shall be removable for cause by a majority of the circuit judges and**  
37 **associate circuit judges of such circuit, en banc, in accordance with**  
38 **supreme court administrative rules governing court personnel. The**  
39 **elected circuit clerk in such circuit in office on the effective date of**  
40 **this section shall continue to hold such office for the remainder of his**  
41 **or her elected term.**

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